



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

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JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2009-29

**Date:** July 16, 2009

**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 57 Dane Street

**Applicant Name:** Kaj Vandjaer

**Applicant Address:** 21 Surrey St, Cambridge MA 02138

**Property Owner Name:** Jose Batista Pereira

**Property Owner Address:** 57 Dane St, Somerville MA 02143-3730

**Agent Name:** None

**Alderman:** Heuston

Legal Notice: Applicant & Owner seek a special permit (SZO §5.1) to construct a 1740± sf addition to a nonconforming dwelling (§4.4.1). The use would change from a one- to a two-family by-right.

Zoning District/Ward: Residence B / 2

Zoning Approval Sought: Special Permit (§5.1 and §4.4.1)

Date of Application: June 23, 2009

Date(s) of Public Meet/Hearing: Planning Board: July 16, 2009 / ZBA: August 5, 2009

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on July 16, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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## I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a single family dwelling on a 5000 square foot lot. The structure is 2 ½ stories and approximately 1900 net square feet. To the left of the house there is a driveway and several mature trees.

2. Proposal: The proposal is to construct a 1580± square foot addition to the rear of the dwelling. The addition would house a second dwelling unit that would have two bedrooms. The addition would be 2 ½ stories and the roof would have the same height and pitch as the roof on the existing structure. The siding and trim on the existing structure would be replaced and the glass in the curved window in the ½ story would be restored. The driveway would be expanded to hold three parallel parking spaces with the required maneuvering area. Two of the mature trees in the side yard would be removed to accommodate the parking spaces.



57 Dane St: front (l), back (r)



3. Nature of Application: The structure is currently nonconforming with respect to the following dimensional requirements: minimum lot size and side yard setback.

The proposed addition would conform to the dimensional requirements and would not affect these nonconformities; however, since the extension would increase the gross floor area of the dwelling by more than 25%, the Applicant must obtain a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct it. The gross floor area would increase by approximately 83%.

Two dwelling units are allowed by-right in the Residence B district. The lot area per dwelling unit would continue to be conforming with two units.

The proposed parking spaces conform to the parking regulations – three spaces are required for two units with two bedrooms in each.

The landscaping would be reduced from 43% to 28% of the lot but would remain above the landscaping requirement of 25%.



4. Surrounding Neighborhood: The surrounding neighborhood consists predominately of single-, two-, and three-family homes.

5. Impacts of Proposal: The proposal would extend the rear of the house and increase the building foot print by 448 square feet, reducing the existing landscaping by 15 percent. The Applicant would remove two mature in the side yard; four mature trees would remain. The mass of the structure would increase in the rear of the property; however, the rear yard and side yard setback would remain conforming. The siding and trim on the existing structure would be improved and the glass in the curved window in the ½ story would be restored.

6. Green Building Practices: None.

7. Comments:

*Fire Prevention:* This project will, at a minimum, require a code compliant fire alarm system throughout the entire structure. The Building Department may require a sprinkler system installation also based on the extent of the work, renovations, etc.

*Traffic & Parking:* The applicant is seeking a special permit to construct an addition to a nonconforming dwelling at 57 Dane street. The proposed construction would alter the building from a one family to a two family structure. The application meets the Somerville Zoning Ordinance requirements as to the number of on site parking spaces and also width of the maneuvering aisle associated with the parking spaces. Traffic and Parking has no objections to the application.

*Ward Alderman:* Has been contacted but has not provided comments.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits. The Board asked the applicant to discuss the project with the abutters to the property.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal would not create any new nonconforming dimensions.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."



The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining the uniquely integrated structure of uses in the City. The proposal is also consistent with the purpose of the district as a two-family dwelling.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Board finds that the project is designed to be compatible with the existing house and surrounding area. The rear portion of the structure would have a gable roof that would match the pitch and height of the front portion of the structure. The modern style dormers would appear to be gable dormers from the front of the house. The dormers would be set down from the ridge of the house and the eave would continue for the length of the addition. The existing windows in the front on the house and along the south side of the house would match the style, size, and scale of the new windows to provide visual consistency. The clapboard and trim on the existing house would be replaced and improved and the glass in the curved window in the ½ story would be restored.

### III. RECOMMENDATION

#### Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.



#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the construction of 1580± square foot addition to the rear of the dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 23, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 5, 2009 (July 14, 2009)</td><td>Plans submitted to OSPCD (plot plan/site plan)</td></tr><tr><td>June 19, 2009 (July 14, 2009)</td><td>Plans submitted to OSPCD (EX-01 existing site plan, EX-02 existing floor plans)</td></tr><tr><td>June 18, 2009 (July 14, 2009)</td><td>Modified plans submitted to OSPCD (A-01 architectural site plan, A-02-3 floor plans, A-04-5 sections, A-06-7 elevations)</td></tr></table>				Date (Stamp Date)	Submission	June 23, 2009	Initial application submitted to the City Clerk's Office	May 5, 2009 (July 14, 2009)	Plans submitted to OSPCD (plot plan/site plan)	June 19, 2009 (July 14, 2009)	Plans submitted to OSPCD (EX-01 existing site plan, EX-02 existing floor plans)	June 18, 2009 (July 14, 2009)	Modified plans submitted to OSPCD (A-01 architectural site plan, A-02-3 floor plans, A-04-5 sections, A-06-7 elevations)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.														
2	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.											

Sincerely,

Kevin Prior  
ChairmanCc: Applicant: Kaj Vandjaer  
Owner: Jose Batista Pereira



